

**REMARKS/ARGUMENTS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

The Examiner noted that the listing of references in the specification is not a proper Information Disclosure Statement. Attached hereto is an PTO SB/08a listing documents for consideration by the Examiner. Copies of the non-U.S. Patent documents are enclosed. Listed USP 6,218,940 is the U.S. counterpart to German Patent Publication 197 39 543. Listed USP 6,243,006 is the U.S. counterpart to German Patent Publication 197 39 544. Listed USP 5,488,982 is the U.S. counterpart to German Patent Publication 40 15 214. For the Examiner's information and reference, USP 5,484,007, cited by the Examiner with the March 5, 2007 Official Action is the U.S. counterpart to German Patent Publication 40 15 215. Finally, Listed USP 5,394,924 is the U.S. counterpart to German Patent Publication 40 15 216. German Patent Publication 199 15 376 does not have a corresponding U.S. Patent. However, the disclosure is explained in the Background Section of applicant's specification, in particular in paragraphs [0007], [0008], and [0009].

The Rule 17(p) Official Fee required by Rule 97(c) in lieu of certification is filed herewith. Should that fee be missing or inadequate, please charge the deficiency to our Deposit Account No. 14-1140 under Order No. MNL-707-19.

This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith Form PTO/SB/08a with the Examiner's initials in the left column per MPEP 609 along with an early action on the merits of this application are earnestly solicited.

The drawings were objected to under 37 CFR 1.83(a) as allegedly not showing the lateral guides of claim 1, the spiral section of the lateral guides (claim 9), and the hinge members oriented at relative angles (claims 1, 10 and 12).

It should be noted that lateral guides as well as spiral sections thereof and hinge members oriented at relative angles are typical and well-known design elements of industrial doors and they are discussed in the Background Section of the specification. For example, reference may be made to Figures 1-3 of DE 199 153 76 (reference numerals 5, 51, 52 and 3) as well as Figures 1-5 and the corresponding description thereof in USP 5,484,007, which was cited by the Examiner and, as noted above, also corresponds to background art discussed in the specification.

In the present application, the lateral guides are constituted by vertical sections 31 and spiral sections 32 which are labeled, e.g., in Figure 1. Thus, the lateral guides are indeed illustrated in the drawings. It is true that the specific configuration of spiral section 32 is not shown in the present application and, therefore, to advance prosecution, dependent claim 9 has been canceled without prejudice. With regard to the orientation of hinge members at relative angles, original Figure 2 has been replaced with a replacement sheet of drawings including Figure 2 which has been revised to show the hinging action of a hinge member 22. No new matter has been added by this submission of replacement Figure 2 as no more is illustrated than that which is disclosed in the specification, including original claim 9, and what would be understood from the skilled artisan having knowledge of the prior art.

In view of the foregoing, the replacement of Figure 2, and the cancellation of claim 9, reconsideration and withdrawal of the Examiner's objection to the drawings is solicited.

The disclosure was objected to because of noted informalities. The informalities noted by the Examiner have been corrected above.

Claims 1-12 were rejected under 35 USC 112, first paragraph, as allegedly based on a disclosure which is not enabling. In particular the Examiner has objected to an alleged lack of sufficient explanation of "strap hinge", "flexible hanging", and "spiral section". Applicant respectfully traverses this rejection.

As mentioned above, the industrial door design of the type to which the invention is directed is common in the field with the exception of the specific door leaf of the present invention. This is well understood from the prior art acknowledged in the Background section of the specification, copies of which are submitted herewith. Since the specification is directed to one skilled in this art, who is familiar with the teachings of the prior art discussed in the Background of the Invention section, such experts would not need any further description or explanation with regard to terms well known in this art.

More specifically, strap hinges are well understood in the art from DE 199 15 376 (see Figure 2; reference numeral 3). They are also well known from other pieces of prior art, such as, for example, USP 5,484,077, cited by the Examiner (see Figure 2, reference numeral 20). As defined in applicant's specification, the gate body has on each side one strap hinge (see paragraphs [0002], [0008]; [0010]; [0013]; [0015]; [0036]). This arrangement is also defined in applicant's claim 1. It is respectfully submitted that because the specification is directed to one skilled in the art, for the disclosure to be enabling, it is not necessary or desirable for applicant to include a lengthy description of component parts that are well known in the art. Note for example paragraph [0036] clearly refers the reader to the conventional assembly of DE 199 15 376 as providing detailed explanation of certain component parts shared by the invention but not discussed in the instant application.

Regarding the flexible hanging, it is respectfully submitted that it is clear from the present specification that the curtain in its entirety is meant. It can be of one piece or sub-divided into several pieces which have been assigned their own reference

numbers (see for example Figure 1, paragraph [0036] as well as Figure 1, the first sentence of paragraph [0047] and claim 2).

Regarding the spiral section, as noted above, claim 9 has been canceled because the spiral section is not illustrated in detail. Again, however, the spiral section is a typical design feature known from the prior art discussed in the Background of the Invention section, namely DE 199 15 376 (see Figure 1, reference numeral 52). Also it is shown in USP 5,484,007 (see Figure 1, reference numeral 10) and others of the originally acknowledged prior art documents in the Background section of the specification.

As is evident from the foregoing, an expert in this field would not have any problem understanding the wording of the present application.

In view of the foregoing, reconsideration and withdrawal of the rejection of claims 1-12 under 35 USC 112, first paragraph, is solicited.

Claims 1-12 were rejected under 35 USC 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection.

With regard to the Examiner's rejection of claim 1, it is respectfully noted that paragraph [0011], for example, clearly defines that the industrial gate of the present invention should be operable at velocities in excess of 3 meters per second. Thus, it would indeed be clear to the skilled artisan how "a fast moving" industrial gate may be defined. In view of the Examiner's rejection, however, the limitation to fast-moving has simply been deleted from claim 1. The Examiner's remaining objections have been addressed in the amendments presented hereinabove.

Reconsideration and withdrawal of the rejection under 35 USC 112, second paragraph, is solicited.

Claims 1-8 and 10-12 were rejected under 35 USC 102(a) as being anticipated by Aquilina. Applicant respectfully traverses this rejection.

Aquilina simply discloses an industrial gate with a lamellar gate body. It has stiff door panels which are linked to each other by pivoting bracket means (see the abstract as well as the Figures). Such door panels do not anticipate nor in anyway render obvious a flexible hanging. As already discussed in the Background Section of applicant's description, see for example paragraph [0005]) flexible hangings in general are known from plasticized PVC rolling gates and completely differ from gates having stiff elements like lamellas. The differences between these two types of industrial gates are explained in the Background Section of applicant's specification and also pointed out in the Detailed Description of applicant's invention which, for the first time, discloses the concept of combining the advantages of one type of gate with those of the other type. In this regard, the Examiner's attention is respectfully directed to paragraphs [0013 -0015]. Thus, Aquilina does not come closer to the invention than acknowledged prior art DE 199 15 376, from which the present invention starts, or earlier developments such as disclosed in USP 5,484,007.

More particularly, Aquilina does not disclose a gate body having a multiplicity of stiffening profile members and a flexible hanging wherein each stiffening profile member extends transversely to the lateral guide across the gate body and connects to respective associated hinge members and wherein the flexible hanging substantially covers the full surface of one side of the gate body while extending across stiffening profile members and being affixed at each stiffening profile member. Moreover, Aquilina does not give any hint to the use of a flexible hanging, nor is it able to achieve the advantages realized by the present invention as disclosed and claimed. It is therefore respectfully submitted that Aquilina does not in any way anticipate nor render obvious the claimed invention.

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Claim 9 was rejected under 35 USC 103(a) as unpatentable over Aquilina in view of Rejc. Applicant respectfully traverses this rejection.

The invention is submitted to be distinct from Aquilina for the reasons advanced above. The Examiner's further reliance on Rejc does not overcome the deficiencies of Aquilina with respect to the basic concept of the claimed invention. It is therefore respectfully submitted that even if Aquilina could some how be modified in view of Rejc, the invention claimed by applicant would still not be anticipated nor obvious.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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**AMENDMENTS TO THE DRAWINGS**

Please replace the original sheet of drawings including Figure 2 with the attached revised sheet of drawings including Figure 2

Attachment: Replacement Sheet(s)